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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,475	05/07/2004	Michael Timmons	SYB/0090.04	3474
31779 7590 01/12/2007 JOHN A. SMART 708 BLOSSOM HILL RD., #201 LOS GATOS, CA 95032-3503				
EXAMINER				
WU, YICUN				
ART UNIT		PAPER NUMBER		
2165				

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/709,475

Applicant(s)

TIMMONS, MICHAEL

Examiner

Yicun Wu

Art Unit

2165

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-63 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-63 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 3/22/05 3/23/05

- 4) ☐ Interview Summary (PTO-413)

Paper No(s)/Mail Date _____

- 5) ☐ Notice of Informal Patent Application

- 6) ☐ Other: _____

Yicun Wu
Patent Examiner
Technology Center
2100

III. DETAILED ACTION

1. Claims 1-63 are presented for examination.

IDS

2. An applicant's duty of disclosure of material and information is not satisfied by presenting a patent examiner with "a mountain of largely irrelevant [material] from which he is presumed to have been able, with his expertise and with adequate time, to have found the critical [material]. It ignores the real world conditions under which examiners work." Rohm & Haas Co. v. Crystal Chemical Co., 722 F.2d 1556, 1573 [220 USPQ 289] (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984). (Emphasis in original). Patent applicant has a duty not just to (disclose pertinent prior art references but to make a disclosure in such way as not to "bury" it within other disclosures of less relevant prior art; See Golden Valley Microwave Foods Inc. v. Weaver Popcorn Co. Inc., 24 USPQ2d 1801 (N.D Ind. 1992); Molins PLC v. Textron Inc., 26 USPQ2d 1889, at 1899 (D.Del. 1992); Penn Yan Boats, Inc. v. Sea Lark Boats, Inc. et al., 175 USPQ 260, at 272 (S.D. Fl- 1972).

It is impractical for the examiner to review the references thoroughly with the number of references cited in the case. By initialing each of the cited references on the accompanying 1449 forms, the examiner is merely acknowledging the submission of the cited references and merely indicating that only a cursory review is made of the cited references.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-63 are rejected under 35 U.S.C. 102(e) as being anticipated over Whitledge et al., (U. S. Patent No. 925,595 and Whitledge hereinafter).

As to claim 1, Whitledge discloses a method for extracting and structuring items of data from content available via the Internet, the method comprising:

receiving input of a user (i.e. a user is able select one or more hypertext electronic document for conversion. See abstract) specifying at least one source of content available (i.e. a user is able select one or more hypertext electronic document for conversion. See abstract) via the Internet (i.e. Internet. See abstract), types of data (i.e. display element. See abstract) to be extracted from the at least one source (i.e. a user is able select one or more hypertext electronic document for conversion. See abstract), and fields for structuring extracted items of data (i.e. a user is able select one or more hypertext electronic document for conversion. See abstract);

retrieving content from the at least one source (i.e. the hypertext elements are extracted from. See abstract);

parsing the retrieved content to extract items of data of the types specified by the user (i.e. the selected content types. Col. 15, lines 44-47); and

mapping (i.e. conversion. Col. 15, lines 44-47) the extracted items of data to the fields (i.e. content conversion. Col. 15, lines 33-67) specified by the user (i.e. the selected content types. Col. 15, lines 44-47) so as to transform the extracted items of data into a structured format (i.e. content conversion. Col. 15, lines 33-67).

As to claim 2, Whitledge discloses a method wherein the at least one source of contest, includes a Web site.

As to claim 3, Whitledge discloses a method wherein the at least one source of content includes an HTML page (i.e. hypertext. abstract).

As to claim 4, Whitledge discloses a method wherein the receiving step includes receiving a URL specifying a source of content available via the Internet (i.e. World wide web. abstract).

As to claim 5, Whitledge discloses a method wherein the receiving step includes receiving user input specifying attributes of data to be extracted from the at least one source (i.e. the selected content types. Col. 15, lines 44-47).

As to claim 6, Whitledge discloses a method wherein

the retrieving step includes retrieving a Web page (i.e. World wide web. abstract).

As to claim 7, Whitledge discloses a method wherein

the Web page comprises a selected one of an HTML page, an cHTML page, and an XHTML page (col. 6, lines 2-14).

As to claim 8, Whitledge discloses a method wherein

the parsing step includes parsing container objects of the Web page (i.e. col. 16, lines 33-38).

As to claim 9, Whitledge discloses a method wherein

creating a new object for a particular container object of the Web page, the new object containing information for the particular container object (i.e. col. 16, lines 33-38 and col. 15, lines 63-67).

As to claim 10, Whitledge discloses a method wherein

creating (col. 21, lines 40-55) feature tags (col. 2, lines 25-42) for elements (col. 21, lines 40-55) of the container objects (i.e. col. 16, lines 33-38).

As to claim 11, Whitledge discloses a method wherein the creating feature tags step includes

creating information for selected one of a headline, a graphic object, a button, and a run of text (col. 2, lines 25-42).

As to claim 12, Whitledge discloses a method wherein the creating feature tags includes creating feature tags based on attributes of each element (col. 11, lines 45-50).

As to claim 13, Whitledge discloses a method further comprising:
saving at least some of the feature tags; and subsequently, using a saved feature tag to retrieve an element from the Web page (col. 5, lines 8-17).

As to claim 14, Whitledge discloses a method wherein the mapping step includes receiving user input for selecting a particular field for placing a given item of data (i.e. the selected content types. Col. 15, lines 44-47).

As to claim 15, Whitledge discloses a method wherein the mapping step further comprises
automatically mapping other items of data similar to the given item of data to the particular field (col. 15, lines 55-67 and fig. 1).

As to claim 16, Whitledge discloses a method wherein the mapping step includes generating an XMI document including the extracted items of data (col. 15, lines 55-67).

As to claim 17, Whitledge discloses a method wherein the mapping step includes saving the extracted information to a database table (fig. 1).

As to claim 18, Whitledge discloses a computer-readable medium having processor-executable instructions for performing the method (fig. 1).

As to claim 19, Whitledge discloses a downloadable set of processor-executable instructions for performing the method (fig. 1).

As to claim 20, Whitledge discloses a method facilitating retrieval of an item of dynamic content available via the Internet, the method comprising:

receiving input of a user specifying an item of dynamic content (i.e. a user is able select one or more hypertext electronic document for conversion. See abstract) available from a source of dynamic content available via the Internet (i.e. Internet. See abstract);

generating (col. 21, lines 40-55) a feature tag (col. 2, lines 25-42) for an item of dynamic content (col. 21, lines 40-55), the feature tag including a plurality of characters with each character in the plurality of characters indicating an attribute of the item (col. 11, lines 45-50);

in response to a subsequent request for retrieval of the item (i.e. the hypertext elements are extracted from. See abstract),

parsing the feature tag to identify a plurality of attributes of the item (i.e. the selected content types. Col. 15, lines 44-47); and

retrieving the item of dynamic content from the source of dynamic content (i.e. the hypertext elements are extracted from. See abstract) based upon the plurality of attributes of the item (col. 11, lines 45-50).

4. As to claims 21-63, the limitations of these claims have been noted in the rejection above. They are therefore rejected as set forth above.

Other Prior Art Made of Record

5. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. U.S. patents and U.S. patent application publications will not be supplied with Office actions.

Examiners advises the Applicant that the cited U.S. patents and patent application publications are available for download via the Office's PAIR. As an alternate source, all U.S. patents and patent application publications are available on the USPTO web site (www.uspto.gov <<http://www.uspto.gov/>>), from the Office of Public Records and from commercial sources. For the use of the Office's PAIR system, Applicants may refer to the Electronic Business Center (EBC) at <<http://www.uspto.gov/ebc/index.html>> or 1-866-217-9197.


Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yicun Wu whose telephone number is 571-272-4087. The examiner can normally be reached on 8:00 am to 4:30 pm, Monday -Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on 571-272-4146. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

Yicun Wu
Patent Examiner
Technology Center 2100



January 6, 2007